

## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Susan Alden, City Records Technician, ext. 7269  
**Date:** January 5, 2011  
**Meeting Date:** January 18, 2011



**TITLE:** Consideration of Liquor License Application: Susanne One Love, "Cosmic Distributing, Inc.", 2323 E. Greenlaw Lane #4, Series 04, New License.

**RECOMMENDED ACTION:** Open the public hearing.

Receive citizen input.

Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation; or
- (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

**ACTION SUMMARY:**

- Policy Decision or Reason for Action: there is no policy decision. The reason for action is statutory compliance.
  - Decision Points: none
- Financial Impact:
  - There is no budgetary impact to the City of Flagstaff.
- Connection to Council Goal: Effective governance
  - Regulatory action
- Options:
  - Table the item if additional information or time is needed.
  - Make no recommendation.
  - Forward the application to the State with a recommendation for approval.
  - Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.
- Has there been a previous Council decision on this topic? Not applicable

**Division Director** (Acknowledgment that all reviews have been completed and required approvals initialed below.)

## **ADDITIONAL INFORMATION:**

### **Background/History:**

- An application for a person transfer Series 04 new liquor license was received from Susanne One Love on behalf of , Cosmic Distributing, Inc., 2323 E. Greenlaw Lane #4.
- A background investigation performed by Sgt. Matt Wright of the Flagstaff Police Department **resulted in no recommendation.** (See attached memo)
- A background investigation performed by Gregory Brooks, Code Compliance Officer II, resulted in no active code violations being reported.
- Sales tax and licensing information was reviewed by Ranbir Cheema, Tax, Licensing & Revenue Manager, who stated that the business is in good standing.

### **Key Considerations:**

- Because the application is for a new license, consideration may be given to both the location and applicant's personal qualifications.
- A Series 04 license allows a wholesaler to warehouse and distribute for sale, spirituous liquor to a licensed retailer. A wholesaler may not have a financial interest in a retail spirituous liquor business.
- The deadline for issuing a recommendation on this application is February 7, 2011.
- The applicant is no longer required to provide the distance between the applicant's business and the nearest church or school for government (Series 05), hotel/motel (Series 11), or restaurant, (Series 12) liquor license applications; and the State no longer requires a geological map or list of licenses in the vicinity for any license series.

### **Community Benefits and Considerations:**

- This business will contribute to the tax base of the community.
- We are not aware of any other relevant considerations.

### **Community Involvement:**

- The application was properly posted on December 23, 2010.
- No written protests have been received to date.

### **Financial Implications:**

- There is no budgetary impact to the City of Flagstaff.

**Options and Alternatives:**

- (1) Table the item if additional information or time is needed.
- (2) Make no recommendation.
- (3) Forward the application to the State with a recommendation for approval.
- (4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

**Attachments:**

- Clerk's notification letter to applicant.
- City of Flagstaff Liquor License Application Hearing Procedures.
- Arizona Dept. of Liquor Licenses and Control description of series.
- Copy of Section 13 indicating distance between business and nearest church/school.
- Copy of the investigative memo from the Flagstaff Police Department.
- Copy of the investigative memo from the Community Investment Division.
- Copy of the investigative memo from the Sales Tax Division.

INITIALS	RESPONSIBILITY	DATE	INITIALS	RESPONSIBILITY	DATE
_____	BIDS/PURCHASES	_____	_____	FINANCE/BUDGET	_____
_____	GRANTS	_____	_____	CONTRACTS	_____
_____	LEGAL	_____	_____	IGAS	_____

DATE OF COUNCIL APPROVAL: \_\_\_\_\_



# City of Flagstaff

OFFICE OF THE CITY CLERK

January 5, 2011

Susanne One Love  
3103 Toho Trail  
Flagstaff, AZ 86001

Dear Ms. One Love:

Your application for a new Series 04 liquor license for Cosmic Distributing, Inc., 2323 E. Greenlaw Lane #4 was posted on December 23, 2010. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on Tuesday, January 18, 2011 which begins at noon.

It is important that you or your representative attend this Council Meeting to make a presentation on your application and to answer any questions that the City Council may have. Failure to make a presentation could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license and to make a presentation on that information, as well as stating whether or not you have attended the necessary training, whether or not you have had a business prior to this one, and, if so, the kinds of business(es) you have operated. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application will expire on January 12, 2011, and the application may be removed from the premises at any time after that date.

If you have any questions, please feel free to call me at 928-779-7685, ext. 7269.

Sincerely,

Susan Alden  
City Records Technician

Enclosure

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Arizona Relay Service 7-1-1

211 West Aspen Avenue, Flagstaff, Arizona 86001  
Main & TDD (928) 774-5281 • Fax (928) 779-7696





# City of Flagstaff

## Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

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## **Wholesaler Application Kit (Series 04)**

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[Frequently Asked Questions About The Application](#)

[Application](#)

[Application Requirements](#)

[Questionnaire](#)

[Alien Status Form](#)

Each application for a new liquor license includes The Arizona Statement of Citizenship and Alien Status For State Public Benefits Form (AKA Aliens Status Form). Beginning April 1, 2009, this Federal- and State-required form must be completed by;

1. statutory agents;
2. individual owners including Joint Tenants With Right of Survivorship (JTWROS); and
3. each partner (who is a person) in a partnership including general and limited partners. This does not include corporations which are partners.

To help you complete the form are Attachments A & B and frequently asked questions (Alien Status Form FAQs) below.

[Alien Status Form Attachments A & B](#)

[Alien Status Form FAQ](#)

[Fingerprint Card](#)

This non-transferable liquor license allows a wholesaler to warehouse and distribute for sale, spirituous liquor to a licensed retailer. A wholesaler may not have a financial interest in a retail spirituous liquor business.

A wholesaler may:

1. Participate in a licensed "special event" by furnishing advertising, sponsorship and services and donating spirituous liquor to a non-profit organization.
2. Stock, price and rotate product at a retail business (at the point of sale only).
3. Furnish advertising novelties (value of less than \$5.00) directly to consumers (they may not pass through the retailer).
4. Offer sampling of new products or products unfamiliar to the person receiving the sample.

**ADDITIONAL RIGHTS AND RESPONSIBILITIES:** A wholesaler may not have a financial interest in a retail spirituous liquor business. A wholesaler may not offer illegal inducements to a retailer nor engage in commercial coercion or bribery or other unlawful trade practices. An Employee Log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

**ARIZONA STATUTES AND REGULATIONS:**A.R.S. §4-201, 4-202, 4-203, 4-209(B)(4), 4-209(D)(4), 4-243, 4-243.01; Rule R19-1-226; R19-1-228.

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<b>Application Fees:</b>	
Average Approval Time:	Sixty-five (65) to one-hundred five (105) days.
Period of Issuance:	One (1) year with option to renew.
Non-refundable application fee:	\$100.00
Fingerprint fee per card:	Finger Print Services
Interim Permit fee:	\$100.00
<b>Fees Due Upon Approval:</b>	
Final fees (full year):	\$1,750.00
Final fees (half year):	\$1,625.00
Annual renewal fee (includes surcharge):	\$320.00

**SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)**

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
(Physical Street Location) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):**

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

a) Restaurant license (§ 4-205.02)

b) Hotel/motel license (§ 4-205.01)

c) Government license (§ 4-205.03)

d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 869 ft. Name of school JIMPEL SUNGLING  
Address 2708 N 4TH ST. FLAGSTAFF, AZ 86004  
City, State, Zip

2. Distance to nearest church: 869 ft. Name of church SPIRITUAL LIVING CENTER  
Address 2708 N. 4TH ST. FLAGSTAFF, AZ 86004  
City, State, Zip

3. I am the: ☒ Lessee ☐ Sublessee ☐ Owner ☐ Purchaser (of premises)

4. If the premises is leased give lessors: Name Greenlaw Professional Building  
Address 2323 E Greenlaw Ln Flagstaff Az 86004  
City, State, Zip

4a. Monthly rental/lease rate \$ 400.00 What is the remaining length of the lease \_\_\_ yrs. \_\_\_ mos. MONTHLY

4b. What is the penalty if the lease is not fulfilled? \$ 0 or other 0  
(give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? \$ 0

Please list debtors below if applicable.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? WHOLESALE DISTRIBUTION OF BEER AND SPIRITS.

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7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?

☐ YES ☒ NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? ☐ YES ☒ NO

9. Is the premises currently licensed with a liquor license? ☐ YES ☒ NO If yes, give license number and licensee's name:

License # \_\_\_\_\_ (exactly as it appears on license) Name \_\_\_\_\_

#### SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? ☐ YES ☒ NO  
If yes, give the name of licensee, Agent or a company name:

\_\_\_\_\_ and license #: \_\_\_\_\_  
Last First Middle

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.

3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.

4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this ☐ hotel/motel ☐ restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

\_\_\_\_\_  
applicant's signature

As stated in A.R.S. § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://www.azliquor.gov) and click on the "Information" tab.

\_\_\_\_\_  
applicants initials

#### SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your business:

☒ Entrances/Exits ☒ Liquor storage areas Patio: ☐ Contiguous  
☐ Service windows ☐ Drive-in windows ☐ Non Contiguous

2. Is your licensed premises currently closed due to construction, renovation, or redesign? ☐ YES ☒ NO  
If yes, what is your estimated opening date? \_\_\_\_\_

month/day/year

3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.

4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).

5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

\_\_\_\_\_  
applicants initials

# MEMORANDUM

Memo #10-179-01

**TO** CHIEF COOPER  
**FROM** SGT. M. WRIGHT  
**DATE** DECEMBER 23, 2010  
**REF** LIQUOR LICENSE APPLICATION FOR COSMIC DISTRIBUTING INC-SERIES 4

On December 22, 2010, I initiated an investigation into a liquor license application filed by Susanne One Love and Jeff Dicus owners of Cosmic Distributing Inc. Cosmic Distributing Inc., is located at 2323 E. Greenlaw Lane, Suite 4. This is a series 4 wholesale license application, #04033009. A series 4 license is for wholesale distributorship.

I conducted a query of local systems and public access on Susanne One Love and Jeff Dicus, all the returns showed no derogatory records. I went to the business location which is described as a warehouse storage area. During this site inspection I located a store front center titled Jampel Sungling. The center was closed and upon inspection I found to be a place to go to "learn, contemplate and meditate" about Buddhist practice and philosophy. I measured the distance between Cosmic Distributing Inc., and the Buddhist Center finding they were approximately 165 feet apart. The store front only had a sign with the name Jampel Sungling, I had to look inside the window to find out it was a center for practicing Buddhism. I learned every Wednesday the center is open for people to attend for group meditation.

I reviewed title 4-207 which states a series 4 distributing/wholesaler business shall not be located within 300 horizontal feet of a church or a school. I reviewed the definition of a church in this statute with Assistant City Attorney, James Speed; he felt that due to the store front not being marked in a way that would lead a reasonable person to conclude it is a church by reason of design, signs or architectural or other features; by definition could not be considered a church.

I attempted several times to contact a representative from Jampel Sungling to obtain more information about the center but I did not receive a return phone call or email.

I spoke with both Susanne One Love and Jeff Dicus, as in the license application Jampel Sungling was listed as being 869 feet away. Jeff advised he obtained the measurement from internet information. I advised him the distance between Jampel Sungling and his business was approximately 165 feet. I advised Susanne and Jeff of my findings and due to the grey area of the definition of church I was going to make NO recommendation to the City Council.

Due to my findings NO recommendation will be made to the Flagstaff City Council.



## Planning and Development Services Memorandum


December 22, 2010

**TO:** Susan Alden, City Records Technician

**THROUGH:** Roger E. Eastman, AICP, Zoning Code Administrator

**FROM:** Gregory Brooks, Code Compliance Officer II

**RE:** Application for Liquor License #04033009  
2323 E Greenlaw Lane, #4, Flagstaff, Arizona 86004  
Assessor's Parcel Number 108-34-004  
Susanne One Love on behalf of Cosmic Distributing, Inc.



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This application is a request for a Series 4 liquor license from Susanne One Love on behalf of Cosmic Distributing, Inc., located in the C-2-E (Community Commercial District Established) zoning district. This district allows for the sale of alcoholic beverages.

This is a new liquor license.

There are no active code violations associated with Susanne One Love or Cosmic Distributing, Inc. at this time.



12323  
E Greenlaw Ln  
#4

Disclaimer: Map information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against the City of Flagstaff that may arise from the use of this data.

Map scale 1:2017

# Memo

To: Susan Alden, City Records Technician

From: Ranbir Cheema - Tax, Licensing & Revenue Manager



Date: December 22, 2010

Re: Series 04 Liquor License – New License – Cosmic Distributing

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Cosmic Distributing Inc is properly licensed with the City for Transaction Privilege Tax. At this time they are in good standing with the Tax, Licensing and Revenue Section of the City.

/liquor licenses/Cosmic Distributing.doc